

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

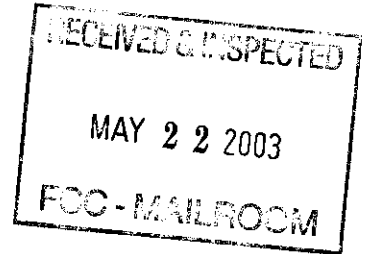
FCC 03M-18
02275

In the Matter of)	EB Docket No. 03-85
)	
BUSINESS OPTIONS, INC.)	File No. EB-02-TC-151
)	
Order to Show Cause and Notice of)	NAL/Acct. No. 200332170002
Opportunity for Hearing)	FRN: 0007179054
)	

ORDER

Issued: May 21, 2003

Released: May 22, 2003



Procedural and Hearing Dates

The following procedural and hearing dates were set at the first Prehearing Conference that was conducted on May 20, 2003.

- August 22, 2003** - Complete Discovery.
- September 16, 2003** - Exchange Direct Cases.¹
- September 23, 2003** - Notification of Witnesses Requested for Cross-Examination.
- September 30, 2003** - Objections to Witnesses Requested for Cross-Examination.²

¹ All direct case documents shall be assembled in a binder with each exhibit bearing a number and a tab and with each exhibit being separately paginated. The exhibits shall be serially numbered beginning with the number 1 preceded by a sponsoring party's prefix (e.g. BOI Exhibit I). Stipulations shall be executed by counsel and submitted as separate exhibits, properly bound and paginated. Documents for which official notice is requested must also be separately bound and marked for identification.

² Objections (if any) must be hand-delivered and/or faxed to the Presiding Judge to facilitate ruling after brief discussion via telephone.

- October 15, 2003** - Trial Briefs Exchanged.³
- October 21, 2003** - Hearing at 9:30 a.m. in Hearing Room TW-A363.

Privileged Documents

Parties are urged to *not assert* privileges to the maximum extent possible. Cf. *Raveesh K. Kumra*, 5 F.C.C. Rcd 5607 (Review Bd 1990) (privilege to be confined strictly within the narrowest possible limits) and *WWOR-TV Inc.*, 5 F.C.C. Rcd 6261, 6263 (1990) (Comm'n denied protection for documents on terms and conditions of employment or employment purposes).

Only documents need be produced on discovery which are not subject to the attorney-client privilege or the work-product exemption. Both types of documents are referred to as "privileged documents." Along with a party's document production there must be furnished a simultaneous list of any documents for which a privilege will be asserted. Documents in that list shall be described by date, sender, receiver, persons noted for copies ("cc"), and a brief description of subject matter. The list shall be accompanied with a statement of the precise basis for the privilege(s) asserted that relies upon cited and analyzed points and authorities. See *Tri-State Community Development and Communications Corp.*, 4 F.C.C. Rcd 2402 (Review Bd 1989); and *LNJ Communications*, 3 F.C.C. Rcd 2745 and 4411 (Review Bd 1988).

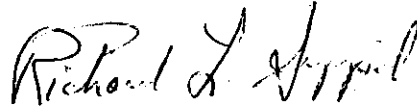
Uncontested privilege claims which are not facially defective will be accepted by the Presiding Judge without a ruling. Documents containing materials which are claimed only in part to be privileged must be produced initially with only the claimed privileged matters masked. The assertion and contesting of privilege of the excised matter shall apply only to those excised portions of the document.

³ Trial Briefs shall contain: (1) general proffer of proof; (2) summary of what each witness will prove; (3) list and description and statement of relevance of documentary evidence; (4) points and authorities on anticipated evidentiary, procedural and substantive issues, citing only key cases to support a position. Courtesy copies are to be faxed or hand-delivered to Presiding Judge on date of filing.

Parties opposing privilege have five (5) business days from receipt of the privilege claims within which to file a motion to compel production of the documents. Oppositions shall be filed and served in 4 days. 47 C.F.R. §1.294(b).⁴

SO ORDERED.⁵

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is fluid and cursive, with the first name "Richard" and last name "Sippel" clearly legible.

Richard L. Sippel
Chief Administrative Law Judge

⁴ All pleadings concerning privilege claims are to be served expeditiously on day of filing. Copies may be served by hand-delivery, by fax, or by e-mail.

⁵ Courtesy copies of this Order were sent to counsel for the parties by fax or e-mail on the day of issuance.